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Fiftieth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1319th MEETING

Held at Headquarters, New York,
on Friday, 8 April 1994, at 4.15 p.m.

Chairman: Mr. ANDO

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* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.1319.

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The meeting was called to order at 4.15 p.m.

CONSIDERATION OF COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE COVENANT (continued)

1. Mr. SCHMIDT (Centre for Human Rights) said that in the course of the session, the Committee had taken the following decisions on Optional Protocol related matters: it had adopted 10 Views under article 5, paragraph 4, of the Optional Protocol, 10 decisions declaring communications inadmissible, and a conference room paper analysing the judgement of the Judicial Committee of the Privy Counsel in Pratt and Morgan, on which it had adopted decisions; it had held consultations with the Solicitor-General of Jamaica and produced an aide-mèmoire on those consultations; it had adopted decisions in respect of follow-up activities under the Optional Protocol; it had adopted amendments to the rules of procedure concerning confidentiality; and it had examined a question of principle relating to the issuing of requests for interim protection under rule 86 of the rules of procedure.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

2. Mr. TISTOUNET (Secretary of the Committee) said that some new information had been received regarding the submission of reports by States parties. The Secretariat had been informed that Macedonia had succeeded to the Covenant, effective 17 September 1991; thus there were now 126 States parties to the Covenant; the number of parties to the Optional Protocol remained the same, at 74. Slovakia had made a declaration under article 41 of the Covenant, so there were now 44 such declarations. Slovenia had ratified the Second Optional Protocol, so there were now 20 States parties to the second Optional Protocol.

3. The Committee had received two further reports, the initial report of Nepal and the third periodic report of New Zealand, not including the Cook Islands.

4. At the end of the previous session, the Committee had requested the Chairman to send a letter to the Minister for Foreign Affairs of the Russian Federation requesting the Russian Government to submit its report, which was due on 4 November 1993, as soon as possible. That letter had been sent out on 5 November 1993 and on 17 December 1993 a note verbale had been received from the Permanent Mission of the Russian Federation informing the Committee that since the new Constitution had been adopted by referendum on 12 December and elections had just taken place, the fourth periodic report would be submitted during the first half of 1994.

5. A note verbale had been received from the Minister for Foreign Affairs of the Republic of Moldova with regard to the submission of Moldova's initial report, informing the Committee that Moldova, as a young State, was having difficulties in fulfilling its treaty obligations and that some important documents were still at the drafting stage, and requesting assistance in preparing the report. The secretariat had provided some basic documents and was giving consideration to some specific requests for assistance.

6. Latvia had submitted a very short report in July 1993 and the Committee had requested a longer report. The secretariat had contacted the Permanent Mission of Latvia at Geneva; in February 1994, the Latvian Mission had replied that it would be impossible to obtain a longer report, but that the Government wanted its report to be taken up in 1994 and would send a high-level delegation to answer questions.

7. Estonia, Portugal, Switzerland and the United States of America had sent notes verbales informing the Committee that their reports would be submitted as soon as possible.

8. The CHAIRMAN said that members of the Bureau and others had met representatives from the Permanent Missions of States parties whose reports were long overdue. For initial reports, the criterion had been reports that were two years overdue, and for second and third periodic reports, the criterion had been three years.

9. The following States had been contacted: Albania (Mr. Dimitrijevic), Angola (Mr. Ando), Bolivia (Mr. Aguilar), Burundi (Mr. Ando), Congo (Mrs. Chanet), Croatia (Mr. Dimitrijevic), Denmark (Mr. Wennergren), the Democratic People's Republic of Korea (Mr. Lallah), Equatorial Guinea (Mr. Aguilar), Estonia (Mr. Dimitrijevic), Gabon (Mr. Ndiaye), Grenada (Mr. Aguilar), Guyana (Mr. Aguilar), Haiti (Mrs. Chanet), Israel (Mr. Pocar), Jamaica (Mr. Aguilar), Jordan (Mr. Ando), Kenya (Mrs. Evatt), Lithuania (Mr. Dimitrijevic), Mali (Mr. Pocar), Mauritius (Mr. Wennergren), Netherlands (Mr. Wennergren), Somalia (Mr. El-Shafei), Sudan (Mr. Ando), Suriname (Mr. Aguilar), Syria (Mr. El-Shafei), Trinidad and Tobago (Mr. Lallah) and Zambia (Mr. El-Shafei).

10. The Central African Republic, the Gambia, Lebanon, Zaire and Zimbabwe had not attended meetings with members of the Committee.

11. Jordan had failed to present its report at the current session, citing internal administrative problems; he had requested a letter confirming that Jordan would be able to send representatives to the Committee's summer session, and a letter had been received.

12. Burundi had indicated that it was eager to submit a report and would probably be able to do so by the end of April. Angola had also undertaken to submit its report, and the Committee had given it a deadline.

13. Mr. EL-SHAFEI said that representatives of the Permanent Mission of Syria had expressed regret about the delay in the submission of Syria's report, despite numerous reminders, and promised to convey the Committee's request for a report to the Ministry of Foreign Affairs. With the initiation of the peace process, they hoped that it would be possible to draft a report to the Committee and reports to other treaty bodies.

14. In the case of Zambia, he had raised the question of the delay in the submission of the report and follow-up to the Committee's views on communications. The members of the Permanent Mission had said that normally the Permanent Mission in Geneva dealt with such matters and maintained liaison with

(Mr. El-Shafei)

the Centre for Human Rights. They had undertaken to do their best to make their Government aware of the problems.

15. The Somali Chargé d'affaires had expressed regret about the delay and had said that it was impossible to communicate with her administration since there was no viable administration in Somalia. She was not sure whether there would be a response in the immediate future.

16. Mr. WENNERGREN said that Denmark, Mauritius and the Netherlands had all promised to submit their reports as soon as possible. The representatives of Lithuania had said that there were problems and assistance was needed in preparing the report. The Ambassador of New Zealand had said that there were delays in the second and third periodic reports relating to the Cook Islands because the Cook Islands wanted to submit a report themselves. The Ambassador had suggested that the Committee, with the consent of the New Zealand Government, should contact the administration of the Cook Islands and inform it of the procedure to be followed, and had promised that he would inform the Chairman of the Committee whether or not he should proceed in line with that suggestion.

17. Mrs. CHANET said that she had met the Ambassador and a member of the Ministry of Foreign Affairs of the Congo; they had said that they were aware of the delay in the submission of their report and had promised to submit it as soon as possible. She had contacted the Ambassador of Haiti by telephone; she had had to acknowledge the circumstances he had referred to, but had stressed the advantages of submitting a report; the Ambassador had recognized those advantages but, because of technical problems, had not made a formal promise to submit it.

18. Mrs. EVATT said that she had met the Ambassador of Kenya and he had promised to refer the matter to his Government. It had appeared that he was not aware that the report had not been submitted; however, he had expressed the hope that the report would be provided soon. She had suggested that he should request his Government to identify the persons in the Ministry of Foreign Affairs who had responsibility for preparing reports to the Committee and other human rights bodies, and had suggested that Kenya should contact the Centre for Human Rights for material and technical assistance.

19. Mr. AGUILAR said that he had met the Chargé d'affaires of Equatorial Guinea; the latter had not been aware that Equatorial Guinea had ratified the Covenant and the Optional Protocol, but had undertaken to contact the Ministry for Foreign Affairs. The Ambassador of Grenada had said that there had been problems, especially because of frequent changes in the Ministry for Foreign Affairs, but that everything possible would be done to submit the report as soon as possible. In the case of Bolivia, the Ambassador had been aware of the delays and had undertaken to send a facsimile to La Paz on the matter.

20. He and Mr. Francis had met the Ambassador of Jamaica, who was fully aware of the delay. Mr. Francis had expressed his embarrassment that no report had been submitted by Jamaica. The Chargé d'affaires of Suriname had said that her Government was preparing a report which would be submitted sometime in the course of 1994. A human rights officer from the Ministry of Foreign Affairs of

(Mr. Aguilar)

Guyana had said that he was aware of delays in the submission of Guyana's report. He had met members of the Committee and promised to keep in touch with them; his Government was trying to submit a report in 1994 so that it could be taken up in March 1995.

21. Mr. BRUNI CELLI recalled that at its previous session, the Committee had taken the position that it could not request a report from Haiti. He had met the Ambassador of Haiti, who had said that the problem was that the United Nations did not recognize the military government and it would be very difficult for the Government in exile to submit a report on compliance with the obligations under the Covenant. Since he (Mr. Bruni Celli) was the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Haiti, the Ambassador had sought his advice on what he should do.

22. Mr. TISTOUNET (Secretary of the Committee) said that in March 1993 the situation in Haiti had been taken up along with the situation in other countries and the Committee had decided to ask the Chairman to send letters to the Governments of El Salvador, Haiti, the Sudan and Zaire. There had been no reply, and in October 1993 the Committee had reviewed the situation and had taken a decision with regard to Haiti, but had requested the Chairman not to send the decision until the circumstances changed so that the government which received the request would be the government that would be in a position to submit a report. So far, the situation had not changed and so the decision had not been sent to the Government of Haiti.

23. Mrs. CHANET asked why she had been requested to telephone the Ambassador of Haiti that morning.

24. Mr. TISTOUNET (Secretary of the Committee) said that at the beginning of the current session, the Committee had requested the Chairman and members of the Bureau and of the Committee to meet the representatives of all States which were late in submitting their reports, including Haiti; that decision was therefore separate from the special decision which was to be sent to the Government of Haiti. The special decision had related to certain articles of the Covenant and would have requested a special report on the situation in Haiti. Thus one decision related to the initial report, covering all rights, and the other to a special report from the Government of Haiti on events in relation to certain articles of the Covenant.

25. Mrs. CHANET said that it would have been helpful if she had known of those circumstances beforehand. Fortunately, she had merely said to the Ambassador of Haiti that since his Government had ratified the Covenant it should submit an initial report.

26. Mr. MAVROMMATIS said that he and Mr. Lallah had met representatives of Trinidad and Tobago and explained the need to submit a report; they had been quite forthcoming.

ORGANIZATIONAL AND OTHER MATTERS

27. The CHAIRMAN said that he had received a letter dated 7 April 1994 from Mr. Ayala Lasso, the newly appointed United Nations High Commissioner for Human Rights, saying that he looked forward to meeting the Committee at its next session. At that session, the Committee would also take up the second periodic reports of Afghanistan and of the Libyan Arab Jamahiriya; Cyprus and Italy had both requested the Committee to consider their reports at Geneva, so their second periodic reports would also be taken up, along with the second periodic report of Jordan, which was to have been considered at the current session. The Committee had always tried to have at least one initial report, and it had been decided that it should take up the initial report of Azerbaijan because of the situation in that country. If Burundi submitted its report in time, it would take that up too. It would hold the reports of Togo and Latvia in reserve.

28. The Government of El Salvador would be informed that the new deadline for the submission of its third periodic report would be 31 December 1995.

CLOSURE OF THE SESSION

29. The CHAIRMAN declared the session closed.

The meeting rose at 5 p.m.